IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 1732 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MAHESH KALUBHAI - Applicant

Versus

STATE OF GUJARAT & 2 - Respondents

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Appearance :

THROUGH JAIL for Applicant : 1,
Mr. L.R. Pujari, Ld. APP for Respondent : 1,
RULE NOT RECD BACK for Respondents : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

Date : 23/12/2005

ORAL JUDGMENT

1. The convict prisoner has preferred this petition through jail praying that, he be released on 45 days

parole for repairing his ancestral house which was damaged due to heavy rains. The order of learned Magistrate dated 18/11/2005 indicates that the house in question is in the name of convict prisoner's mother and brother and as per their statement the convict prisoner's presence is not required.

2. In view of this, this Court finds no ground for interfering with the order passed by learned Magistrate dated 18/11/2005. In the result, the petition deserves to be dismissed and according it is dismissed. Rule discharged.

3. The applicant / prisoner be informed accordingly.

[S.R. BRAHMBHATT, J]

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